

**CIVIL CASE NO. 1:11cv300**

**Defendant.**

## ORDER

After careful consideration of the Magistrate Judge's Recommendation [Doc. 11] and the Plaintiff's Objections thereto [Doc. 12], the Court finds that the Magistrate Judge's proposed findings of fact are correct and that his proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby overrules the Plaintiff's Objections and accepts

the Magistrate Judge's Recommendation that the Commissioner's decision in this case be affirmed.

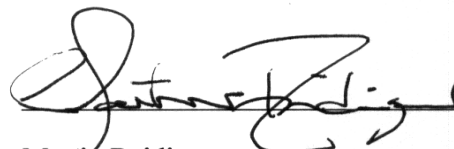
**IT IS, THEREFORE, ORDERED** that the Plaintiff's Objections to the Memorandum and Recommendation [Doc. 12] are **OVERRULED** and the Magistrate Judge's Memorandum and Recommendation [Doc. 11] is hereby **ACCEPTED**.

**IT IS FURTHER ORDERED** that, for the reasons stated in the Memorandum and Recommendation, the Defendant's Motion for Summary Judgment [Doc. 9] is **GRANTED**; the Plaintiff's Motion for Summary Judgment [Doc. 8] is **DENIED**; and the decision of the Commissioner is **AFFIRMED**. This case is hereby **DISMISSED**.

A judgment shall be entered simultaneously herewith.

**IT IS SO ORDERED.**

Signed: August 2, 2012

  
Martin Reidinger  
United States District Judge

